



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 4, 1996

Mr. Ron M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P. O. Box 4087  
Austin, Texas 78773-0001

OR96-1828

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101028.

The Texas Department of Public Safety (the "department") received an open records request for the following information pertaining to concealed handgun licenses:

1. Name, address, City, State, Zip of all persons requesting a BLANK APPLICATION FORM to later apply for their concealed handgun license.

You contend the requested information is made confidential under section 20 of article 4413(29ee), V.T.C.S., and therefore must be withheld from the public pursuant to section 552.101 of the Government Code. You have submitted a representative sample of the requested information.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 20 of article 4413(29ee), the concealed handgun law, provides in pertinent part:

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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

The department shall, on written request and payment of a reasonable fee to cover costs of copying, disclose to any other individual whether a named individual or any individual whose full name is listed on a specified written list is licensed under this article. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, and zip code. Except as otherwise provided by this section and by Section 21 of this article, *all other records maintained under this article are confidential and are not subject to mandatory disclosure under the open records law . . .* except that the applicant or license holder may be furnished a copy of such disclosable records on request and the payment of a reasonable fee. [Emphasis added.]

We note that section 21 provides for the department to make available on request and payment of a fee a statistical report that includes the number of licenses issued, denied, revoked, or suspended by the department during the preceding month, listed by age, gender, race, and zip code of the applicant or license holder. *Id.* § 21. However, the statute provides that "all other records" are confidential. *Id.* § 20. The information sought by the requestor is not among those categories of information specifically made public under sections 20 and 21. Because "all other records maintained under this article are confidential" under section 20, we therefore conclude that this statute, as applied through section 552.101 of the Government Code, excepts the requested list and the department must withhold the requested information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad", is written over a horizontal line.

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/ch

Ref.: ID# 101028

Enclosures: Submitted documents

Mr. Ron M. Pigott - Page 3

cc: Mr. Clair C. Woertendyke, Jr.  
P. O. Box 561049  
Dallas, Texas 75356-1049  
(w/o enclosures)